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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,937	10/24/2003	Roger D. McCumber	2968.256US01	2118
23552	7590	08/26/2004	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			LABAZE, EDWYN	
			ART UNIT	PAPER NUMBER
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DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Office Action Summary</b>	Application No. 10/692,937	Applicant(s) MCCUMBER, ROGER D.	
	Examiner EDWYN LABAZE	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Receipt is acknowledged of amendments filed on 7/06/2004.
2. Claims 1-30 are presented for examination.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 8-9, 18-21, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by De Bois (CA 2,260,551).

Re claims 1 and 18: De Bois discloses card provided with edged marking, which includes first and second opposite major surfaces [herein De Bois discloses two opposite faces 32, but only one shown; see page 5, lines 10+] and a perimeter edge surface 34 and at least one communication marking 36 provided on at least a portion of the perimeter edge surface (as seen in figs. # 2-4; page 5, lines 14+). [Furthermore, such method is known in the art; as disclosed in prior patents or applications (U.S. 6,254,002) by Litman; (U.S. 6,637,666) by Meunier; (U.S. 6,335,084) by Biegelsen et al.; and (US 2003/0072922) by Haines].

Re claims 2 and 21: De Bois teaches an apparatus and method, wherein the perimeter edge surface 34 comprises a top edge surface, and the communication marking 36 is provided on at least a portion of the top edge surface (see figs. # 2-4).

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Re claims 3 and 19: De Bois discloses an apparatus and method, comprising a plurality of the communication markings (see figs. # 2-4).

Re claims 5 and 20: De Bois teaches an apparatus and method, wherein the communication marking comprises a bar code [De Bois discloses the edged markings include encoded information, which is also known in the art as a bar code] (page 9, lines 25).

Re claim 5: De Bois discloses an apparatus, wherein the communication marking comprises a number, a letter, or a symbol (page 7, lines 8+).

Re claim 8: De Bois teaches an apparatus, wherein the communication marking 36 is visible to the naked eye [herein De Bois discloses the markings 36 consist of solid color having colour contrasts with colour of the card 16] (page 5, lines 15+).

Re claim 9: De Bois discloses an apparatus, wherein at least one of the first or second major surfaces 32 contains cardholder information (page 6, lines 21+).

Re claim 23: De Bois teaches an apparatus and method, wherein the card 16 is a plastic card (page 4, lines 21+).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6-7, 10-17, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Bois (CA. 2,260,551) in view of Liener Chin et al. U.S. 6,632,042).

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Re claim 6-7, 10, 16, and 22: The teachings of De Bois have been discussed above.

De Bois fails to teach a communication marking provided on at least a portion of the perimeter edge surface.

Liener Chin et al. teaches printed sheet protector system and method, which includes marking from non-visible ink (col.8, lines 40+), wherein the ink comprises UV or IR ink (col.12, lines 45+).

In view of Liener Chin et al.'s teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of De Bois a means of using UV or IR non-visible ink. Furthermore, such modification would provide reinforcement to the security of printed and/encoded information on the card, which renders falsifying said information very harsh to perform and wherein detection of any tampering could be easily noticed. Moreover, such modification would have been an obvious extension as taught by De Bois, therefore an obvious expedient.

Re claim 11: De Bois discloses an apparatus, which includes first and second opposite major surfaces [herein De Bois discloses two opposite faces 32, but only one shown; see page 5, lines 10+] and a perimeter edge surface 34 and at least one communication marking 36 provided on at least a portion of the perimeter edge surface (as seen in figs. # 2-4; page 5, lines 14+).

Re claim 12: De Bois teaches an apparatus, wherein the perimeter edge surface 34 comprises a top edge surface, and the communication marking 36 is provided on at least a portion of the top edge surface (see figs. # 2-4).

Re claim 13: De Bois discloses an apparatus, comprising a plurality of the communication markings (see figs. # 2-4).

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Re claim 14: De Bois teaches an apparatus, wherein the communication marking comprises a bar code [De Bois discloses the edged markings include encoded information, which is also known in the art as a bar code] (page 9, lines 25).

Re claim 15: De Bois discloses an apparatus, wherein the communication marking comprises a number, a letter, or a symbol (page 7, lines 8+).

Re claim 17: De Bois discloses an apparatus, wherein at least one of the first or second major surfaces 32 contains cardholder information (page 6, lines 21+).

7. Claims 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Bois (CA. 2,260,551) in view of Meunier et al. (U.S. 6,585,163).

The teachings of De Bois have been discussed above.

De Bois fails to teach an edge reader to read the edge markings, wherein the reader includes a housing, a slot defining a card path along which the card can travel, a light source to provide light to the reading area.

Meunier et al. discloses encoded sheet material and system for processing, which includes means of forming at least one communication marking 12 on at least a portion of a perimeter edge surface 13, 11 of the identity document 10 (as shown in fig. # 1; col.6, lines 64+); reading [through the edge reader 30] the communication marking (as shown in fig. # 3; col.7, lines 55+); and based on the reading, determining whether the identity document is the proper document (col.7, lines 60+), further teaches a card path (as shown in fig. # 3) and wherein the reader 30 comprises of light pen for providing light to the reading area (col.7, lines 55+).

In view of Meunier et al.'s teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of De

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Bois an edge reader to read the edge markings, wherein the reader includes a housing, a slot defining a card path along which the card can travel, a light source to provide light to the reading area. Furthermore, such modification would provide a means for reading the edge markings of the document, decode the encoded information and process the decoded information for authentication/verification of the document. Moreover, such modification would have been an obvious extension of the teachings of De Bois.

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Litman (U.S. 6,254,002) discloses anti-forgery security system.

Biegelsen et al. (U.S. 6,335,084) teaches encoded sheet material and sheet processing apparatus using encoded sheet material.

Meunier (U.S. 6,637,666) discloses coding scheme for encoded sheet material.

Soltys et al. (U.S. 6,688,979) teaches method and apparatus for monitoring casinos and gaming.

Haines (US 2003/0072922) discloses media imprinted with media parameter information.

Bi et al. (US 2003/0173406) teaches covert variable information on identification documents and methods of making same.

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Labrec et al. (US 2003/0183695) discloses multiple image security features for identification documents and methods of making same.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395.

The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

el  
Edwyn Labaze  
Patent Examiner  
Art Unit 2876  
August 23, 2004



**THIEN M. LE**  
**PRIMARY EXAMINER**